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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,584	06/09/2000	Peter T Dietz	55434USA1A.002	2946

7590 03/22/2005

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EXAMINER

VO, HAI

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/591,584

Applicant(s)

DIETZ, PETER T

Examiner

Hai Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 and 30-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11, 13-27 and 31-40 is/are allowed.
- 6) ☒ Claim(s) 12 is/are rejected.
- 7) ☒ Claim(s) 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1-11, 13-27, and 31-40 are allowed.

Prosecution Reopened

2. The indicated allowability of claim 12 in the 10/27/2003 Office Action is withdrawn in view of Hutchison et al (US 5,118,540) and Bilkadi et al (US 5,677,050) (see rejections below).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchison et al (US 5,118,540) in view of Bilkadi et al (US 5,677,050). Hutchison discloses a laminate having a construction in a following order: surface of solar energy/adhesive/polyester/polyester/adhesive/silver/adhesive/polyester (example 7). Hutchison teaches the polyester layer of the laminate being protected with a premask film prior to installation and during installation. Hutchison discloses the use of an acrylic pressure sensitive adhesive to bond the silver layer and the polyester. Hutchison is silent as to a scratch-resistant ceramer coating. Bilkadi supplies the missing feature. Bilkadi teaches a retroreflective sheeting having an abrasion resistant ceramer coating (abstract). Bilkadi teaches that the ceramer coating works well on polyacrylics adhesive (column 4, lines 12-13). Therefore, it would have been

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obvious to one having ordinary skill in the art at the time the invention was made to use the ceramer coating as taught in Bilkadi on the outer surface of the laminate motivated by the desire to provide the laminate with excellent in abrasion resistance and outdoor durability.

In the amendment filed on 09/16/2003, Applicant argues that there is no suggestion to replace the permanent cured creamer coating with the temporary pre-mask film. The arguments are not found persuasive for the following reasons. The motivation to combine the teachings of Hutchison and Bilkadi in the Office Action to arrive at the laminate having a structure as recited by the claim has nothing to do with the replacement (see motivational statement set forth above). It is recognized that the use of the scratch-resistant creamer coating as the outermost of the laminate of the Hutchison provides the laminate excellent in abrasion resistance and outdoor durability when in use whereas the pre-mask film provides the protection of the laminate prior to installation or during installation. Therefore, the addition of the scratch-resistant creamer coating to the outer surface of the laminate does not defeat the purpose of providing the use of the temporary pre-mask film for protecting the laminate prior to installation or during installation. The temporary pre-mask can be used on the surface of the creamer coating of the modified laminate to afford protection against handling prior to installation. It is believed that the motivation to combine the teachings of the two cited references is strong and sufficient and accordingly, the art rejections are sustained.

Allowable Subject Matter

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5. Claims 1-11, 13-27, and 31-40 are allowed.
6. Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The inclusion of an optically clear laminate renders the claims unobvious over the prior art. The laminate of Hutchison comprises a silver layer having a thickness in the range from 1000 nm to 1500 nm to provide an **opaque** specularly reflective metallic surface (column 7, lines 61-65). Likewise, it is clearly apparent that the laminate of Hutchison will not be optically clear due to the presence of a thick silver layer. It is noted that in accordance with Applicant's specification, the "optically clear" means that the laminate exhibits a light transmittance of at least about 75%. Since the laminate of Hutchison is not optically clear for the reasons set forth above, the laminate of Hutchison would not inherently exhibit the light transmission of at least about 75% as required by the claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (571) 272-1485. The examiner can normally be reached on M,T,Th, F, 7:00-4:30 and on alternating Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HV

Hai Vo
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